

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

MARCUS EDWARD PHILLIPS,)
etc.,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO.
) 2:05cv934-T
THE CITY OF OPP,)
ALABAMA, etc., et al.)
)
Defendants.)

ORDER

Based on the representations made during on-the-record oral argument, held on December 9, 2005, and based on the agreement of counsel for plaintiff, it is ORDERED as follows:

- (1) Counts 2 and 3 of the complaint are dismissed, with the result that only Count 1 remains.
- (2) Defendant Bill Shaw is dismissed.
- (3) The prayer for punitive damages against defendant City of Opp contained in Count 1 of the complaint is dismissed.

(4) Plaintiff is given until December 23, 2005, to amend his complaint with respect to Count 1.

(5) Defendants are given until January 3, 2006, and plaintiff is given until January 10, 2006, to file supplemental briefs on whether plaintiff Phillips amended complaint should be dismissed pursuant to defendants' motion to dismiss.

DONE, this the 12th day of December, 2005.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE